

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

FRANCISCO RODRIGUEZ, JR.,

Plaintiff,

v.

**CALIFORNIA CORRECTIONAL
INSTITUTION, et al.,**

Defendants.

CASE NO. 1:20-cv-00167-AWI-HBK (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND
DISMISSING ACTION FOR FAILURE
TO OBEY COURT ORDERS AND
LACK OF PROSECUTION**

(Doc. No. 11)

Plaintiff Francisco Rodriguez, Jr., is a state prisoner proceeding pro se and in forma pauperis in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Eastern District of California Local Rule 302.

On June 26, 2020, the assigned magistrate judge issued a screening order under 28 U.S.C. § 1915A that determined Plaintiff had failed “to state a cognizable claim against any defendant.” Doc. No. 8 at 4. Plaintiff was ordered to file an amended complaint within sixty days and warned that if he failed to comply with that order the case would be dismissed. *Id.* at 5. While the order was apparently delivered to Plaintiff because it was not returned as undeliverable, Plaintiff failed to file an amended complaint or seek an extension of time to comply with the order.

On May 3, 2021, the assigned magistrate judge issued findings and recommendations to dismiss without prejudice the instant action for failure to comply with court orders and lack of prosecution. Doc. No. 11. Despite receiving an opportunity to do so, Plaintiff has not objected to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court concludes that

the findings and recommendations are supported by the record and proper analysis.

ORDER

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations (Doc. No. 11) issued on May 3, 2021, are ADOPTED in full;
2. This action is DISMISSED without prejudice for failure to obey court orders and lack of prosecution.
3. The Clerk of Court shall CLOSE this case.

IT IS SO ORDERED.

Dated: June 14, 2021



SENIOR DISTRICT JUDGE